

## PROBATE CALENDAR NOTES

**November 13, 2020**

**8:30 AM, Department 40**

**Placer County Superior Court**

Published November 9, 2020, 1:15 PM

**For current local court COVID-19 information, visit:**

**<http://www.placer.courts.ca.gov/general-covid-19.shtml>**

**Telephonic remote appearances are strongly encouraged. See Local Rule 10.28 concerning remote appearances.**

**Local Rule 10.27, "eDelivery," requires electronic filing of documents by attorneys and represented parties. *Due to potential delays in processing new filings, it is recommended all papers be filed at the earliest opportunity.***

These calendar notes are provided pursuant to Local Rule 80.1.4 for the probate calendar set for hearing **November 13, 2020, 8:30 AM, in Department 40**, Commissioner Glenn M. Holley, presiding. Pursuant to Local Rule 80.1.4, these calendar notes are **not** a tentative ruling on the merits of any matter before the court.

Updated notes may be posted at any time. Notes will generally be updated the court day prior to the hearing. Staff may respond to limited questions concerning calendar notes; however, court staff may not give legal advice to parties or attorneys. Messages may be left for the Office of Legal Research at (916) 408-6119.

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### **1. S-PR-0009914 O'Ray-King, Donna Maria- In re the Estate of**

Appearance is required for hearing on amended petition for final distribution.

Clarification is needed: petitioner alleges that counsel agreed to a reduced fee and appears to show that \$9,000 of the reduced fee was paid in advance without court authorization. Fees may not be paid by personal representative or received by counsel without prior approval, and the court may surcharge personal representative and counsel with interest for improperly paid fees, C.R.C. 7.700. Account appears to show fees were paid out of escrow on the sale of estate real property without explanation or

legal support. Petitioner should show the legal basis for the escrow distribution to counsel. The court may consider an order to show cause to personal representative and counsel as to why they or either of them should not be surcharged in the amount of \$9,000 plus interest as provided in C.R.C. 7.700.

Revised prayer is needed: contrary to the allegations of the petition, property to be distributed to known distributees whose whereabouts are unknown is not distributed to the State of California; instead, it is delivered to the county treasurer of the county in which the proceedings are pending. Prob.C. §§ 11850(a), 11851(a). Request to distribute to Sacramento County treasurer does not comply with these sections.

Revised prayer and proposed order are needed: any order for such distribution must name alternate distributees under Prob.C. § 11603(c).

Clarification is needed: petitioner should clarify the intended meaning of these statements in the Petition ¶ 6:14-18: "Currently, they unanimously refuse to take possession of their brothers' shares as their own. But will wait until prior to the expiration of time with the county treasurer, with the court's permission."

☎ Remote telephonic appearances are strongly encouraged.

**2. S-PR-0010075 Janie Mae Porter Liv Trust; In re the**

Appearance is required for status hearing on petition to determine trust property. Current status of this action and related civil action is needed.

☎ Remote telephonic appearances are strongly encouraged.

**3. S-PR-0010123 DeGennaro, Gary R. ; In re the Estate of**

Petition for final distribution is recommended for approval as prayed.

**4. S-PR-0010154 Johnson Rev Liv Trust; In re the**

Appearance is required for status hearing on petition to determine trust terms / status of trust revocation and accounting.

Current status, including status of mediation, is needed.

☎ Remote telephonic appearances are strongly encouraged.

**5. S-PR-0010201 Dillard, Johnnie; In re the matter of**

Appearance is required for continued hearing on power-of-attorney petition.

It appears respondent filed objections to the related trust action, S-PR-0010500, In re the Dillard Revocable Trust, is this power-of-attorney action. Any objections to the trust action must be filed in that case.

Current status is needed.

☎ Remote telephonic appearances are strongly encouraged.

**6. S-PR-0010355 Shank, Lindsey Claire - In re the Estate of**

Petition for instructions concerning management and disposal of estate assets is recommended for approval as prayed.

**7. S-PR-0010362 Campbell, Paul Clifton - In Re Estate of**

Appearance is required for hearing on second amended petition to administer estate.

Missing notice of hearing on second amended petition, C.R.C. 7.53. Missing service of notice of hearing on second amended petition.

Missing request to waive or fix bond (¶ 2d).

Court determination needed: will is neither attested nor self-proving. Court to determine whether declaration and affidavits provided by petitioner are clear and convincing evidence to admit non-conforming will under Prob.C. § 6110(c)(2).

☎ Remote telephonic appearances are strongly encouraged.

**8. S-PR-0010500 Dillard Rev Trust; In re the**

Appearance is required for hearing on petition to suspend and remove trustee and for other relief.

It appears trustee filed her objections to this petition in S-PR-0010201, *In re matter of Dillard*, the power-of-attorney action. Any objections to the petition in this trust action must be filed in this case.

☎ Remote telephonic appearances are strongly encouraged.

**9. S-PR-0010513 Van Nederveen 1996 Fam Trust; In re the**

To assist the court in managing the high volume of remote appearances, persons appearing remotely on this matter should not connect to the court's phone appearance system until **8:50 AM**; the court will not call the matter before **9:00 AM**.

Appearance is required for hearing on petition to modify irrevocable trust. It is recommended petitioner nominate a disinterested guardian ad litem to be appointed for settlor Marianne Van Nederveen.

☎ Remote telephonic appearances are strongly encouraged.

**10. S-PR-0010514 Kreeger, Kelly J - In Re Estate of**

To assist the court in managing the high volume of remote appearances, persons appearing remotely on this matter should not connect to the court's phone appearance system until **8:50 AM**; the court will not call the matter before **9:00 AM**.

Missing original will, Prob.C. § 8200(a).

Note: missing signed Duties form (DE-147). The clerk cannot issue letters until the Duties form is filed, C.R.C. 7.150.

**11. S-PR-0010540 Auburn Investment Trust; In re the**

To assist the court in managing the high volume of remote appearances, persons appearing remotely on this matter should not connect to the court's phone appearance system until **8:50 AM**; the court will not call the matter before **9:00 AM**.

Appearance is required for hearing on ex parte interim orders.

Missing proof of personal service to suspended trustee Anthony Graupensperger as previously ordered.

☎ Remote telephonic appearances are strongly encouraged.

**12. S-PR-0010541 Hall Investment Trust; In re the**

To assist the court in managing the high volume of remote appearances, persons appearing remotely on this matter should not connect to the court's phone appearance system until **8:50 AM**; the court will not call the matter before **9:00 AM**.

Appearance is required for hearing on ex parte interim orders.

Missing proof of personal service to suspended trustee Anthony Graupensperger as previously ordered.

☎ Remote telephonic appearances are strongly encouraged.